

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CARL B. TAYLOR,

Plaintiff,

v.

CIVIL ACTION NO. 5:11-cv-00666
(Consolidated 5:11-cv-866)

SOUTHERN REGIONAL JAIL, *et. al.*,

Defendants.

**MEMORANDUM OPINION AND ORDER
ADOPTING PROPOSED FINDINGS AND RECOMMENDATION**

On September 27, 2011, Plaintiff, acting *pro se*, filed a Complaint (Document 1) claiming entitlement to relief pursuant to 42 U.S.C. §1983 against Defendants Southern Regional Jail (“SRJ”) and Primecare Medical. (Document 1 at 4.) By Standing Order (Document 2) entered on September 27, 2011, this action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). By Order entered on September 30, 2011, the Magistrate Judge directed Plaintiff to amend his Complaint to layout constitutional claims against individual defendants. (Document 3.) On November 8, 2011, Plaintiff filed a Complaint initiating Civil Action No. 5:11-0866, wherein Plaintiff alleges that Defendants Donna White, Medical Director at SRJ, Lisa and Dr. Hussian, Primecare Medical, acted with deliberate indifference in providing treatment for his Non-Hodgkin’s Lymphoma. (Document 2 in 5:11-cv-00866 at 4-5.) On November 16, 2011, the Magistrate Judge properly consolidated 5:11-cv-00666 and 5:11-cv-00866 pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. (Document 8.) On May 1, 2012, the Magistrate Judge submitted his Proposed


Findings and Recommendation (“PF&R”) (Document 12), wherein it is recommended that this Court dismiss this case without prejudice for failure to prosecute and remove this matter from the Court’s docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the PF&R in this case were due by May 18, 2012. To date, no party has filed objections to the Magistrate Judge's PF&R.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the PF&R (Document 12), and **ORDERS** that this case be **DISMISSED** without prejudice for failure to prosecute and that this matter be removed from its docket.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: May 21, 2012


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA